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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/817,391 04/25/97 KORNFLAT S TPP-30422

EXAMINER

13M1/0108

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JONES, K
ART UNIT

PAPER NUMBER

1304

DATE MAILED: 01/08/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 1304

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Information Disclosure Statement

The information disclosure statement filed 4-25-97 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The claims are replete with terms such as "preferably" and "for instance" which make it unclear which limitations are actually being claimed. For examining purposes, any limitation preceded by "preferably" is interpreted as being optional, i.e. not required by the claim.

In claim 6, the term "IP-value" is not clear.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munk et al. (U.S. 4,594,347).

Munk et al. disclose a method of hot pressing a synthetic-resin laminate onto a hot-pressed fiberboard intermediate body. The laminate includes thermosetting resin (normally of a melamine base) impregnated paper sheets, an under foil and a covering sheet. The covering sheet is a clear overlay consisting of an unsubstituted alphacellulose paper (col 1 lines 54-56). It is clear from Figures 1 and 2 that the invention encompasses

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fiberboard having rounded edges. Munk et al. do not explicitly disclose that the process is intended for the production of a floor strip; however, this is merely the intended use of the product. It is certainly well known to use laminated fiberboards for floor strips. It would have been obvious to one having ordinary skill in the art at the time of the invention to have considered the process of Munk et al. to obviously encompass the production of floor strips for the reasons given above.

Munk et al. do not explicitly disclose that the laminate has an IP-value in the range claimed. However, Munk et al. disclose the same process as that claimed by Applicants; the IP-values must overlap.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth M. Jones whose telephone number is (703) 305-6429. For more prompt consideration of amendments, etc. it is suggested that Applicants fax their responses directly to the Art Unit for consideration. The fax number for art unit 1304 is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.



Kenneth M. Jones
January 5, 1998



DAVID A. SIMMONS
SUPERVISORY PATENT EXAMINER
ART UNIT 134